IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16623 of 2007

Dated: August 3, 2007

Between:

Padala Appa Rao, S/o. late Appalla Swamy,
Aged 53 years, Business, R/o.4-2/4-42,
Bangaraiah Kottu Sandu, Idgah Mahal Street,
Chittinagar, Vijayawada.

… Petitioner

And

The District Collector, Krishna District,
Machilipatnam, and others.

… Respondents

Order:

This writ petition has been filed questioning the notification, dated 29-06-2007, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A. Act'), totally notifying the to an extent of Ac.74.76 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District, for public purpose, namely, for construction of

houses for Urban Public under Jawaharlal Nehru National Urban Revival Mission Scheme.

2. In the impugned notification, the lands totally admeasuring Ac.74.75 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District are notified. So far as the petitioner in this writ petition is concerned, he is aggrieved by the notification only to an extent of the land admeasuring Ac.5.05 cents covered by Sy.No.248/4 of Pallam. It is the grievance of the petitioner that though under Section 4(1) of the notification, one Devineni Ramanna is shown as Pattadar and Kuragani Kanakamma is shown as possessor, but however, originally Ac.5.05 cents of land belonged to Potnuri Ramulamma and others who sold the same to Korakani Kanakaiah through registered sale deed dated 29-02-1964 and Korakani Kanakaiah by way of a will bequeathed the said properties to his daughter Tammina Siva Kumari to an extent of Ac.1.00 cents and out of the said extent Tammina Siva Kumari sold 200.22. Sq. yards to him by registered sale deed dated 31-03-2007, and ever since the date of purchase, the petitioner has been in possession and enjoyment over the same.

3. It is the grievance of the petitioner that in view of the notification under Section 4 (1) of the L.A. Act, though he has leveled up the plot, spent lot of money and constructed a house therein; respondents are interfering under the guise of survey and threatening him with eviction also.

4. Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

5. A reading of the notification under Section 4(1) of the L.A. Act, it shows that the Revenue Divisional Officer, Vijayawada is appointed

as an Officer to conduct the enquiry under Section 5-A of the L.A. Act on behalf of the District Collector. It is clear from the notification that it is not a case where an urgency clause is invoked under Section 17(4) of the L.A. Act; however, an enquiry is being conducted under Section 5-A of the L.A. Act. As it is the case of the petitioner that he has purchased House plot of an extent of 200.22 Sq. yards in a lay out covered by Sy.No.248/4 in an extent of Ac.5.05 cents, which was granted by the competent authority, he can very well raise his objections, if any, before the enquiry, which is being conducted under Section 5-A of the L.A. Act. As much as enquiry is being conducted under Section 5-A of the L.A. Act, unless it is concluded and declaration is issued under Section 6 of the Act, no steps can be taken by the respondents to dispossess the petitioner, who claims to be one of the occupants covered by house in Sy.No.248/4. If petitioner has any objections, he can very well raise such objections in the enquiry being conducted under Section 5-A of the L.A. Act.

6. In the circumstances, I dispose of the writ petition permitting the petitioner to put forth his objections by way of representation in the enquiry being conducted under Section 5-A of the L.A. Act, with reference to his claim, title and possession in respect of the land covered by Sy.No.248/4 within a period of two weeks from the date of receipt of a copy of this order, and if such representation and objections are filed by the petitioner, the second respondent-Revenue Divisional Officer and Land Acquisition Officer shall conduct enquiry by issuing notice to him by following the provisions contained under Section 5-A of the L.A. Act, and pass appropriate orders. Unless such objections are considered and order under Section 5-A of the L.A. Act is communicated to the petitioner, no steps shall be taken against the

petitioner for his eviction. However, if no objections are filed by the petitioner in the enquiry under Section 5-A of the L.A. Act, or subject to outcome of the enquiry, it is open for the respondents to take further steps in accordance with the Land Acquisition Act and the Rules made there under.

7. The writ petition is accordingly disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

August 3, 2007
N.B. Furnish C.C. in three days
B.O.
MRR